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INVESTIGATION OF COMMUNIST PROPAGANDA IN THE UNITED STATES—PART 2

(Foreign Propaganda—Entry and Dissemination in Philadelphia, Pa., Area)

HEARING BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-FOURTH CONGRESS SECOND SESSION

JULY 17, 1956

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(Including Index)



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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

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INVESTIGATION OF COMMUNIST PROPAGANDA IN THE UNITED STATES—PART 2

(Foreign Propaganda—Entry and Dissemination in
Philadelphia, Pa., Area)

TUESDAY, JULY 17, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Philadelphia, Pa.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to notice, at 10 a. m., in district courtroom No. 5, United States Courthouse, Hon. Francis E. Walter, chairman, presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania, Harold H. Velde, of Illinois, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director; W. Jackson Jones, K. Baarslag, Richard S. Weil, and Mrs. Dolores Scotti.

The CHAIRMAN. The committee will be in order.

This morning the Committee on Un-American Activities begins its hearings on a subject directly related to the operation of the Communist conspiracy in the United States, and in the Philadelphia area in particular.

We shall turn our attention to the vast quantity of Communist propaganda coming into this area from behind the Iron Curtain. The purpose of this material is to create unrest and division, and to further the subversive objectives of the Communist apparatus. More specifically it seeks to reembrace those persons who, because of fear and terror, succeeded in escaping from their native countries behind the Iron Curtain, and to bend them once more to the will of the Kremlin.

The committee has previously heard testimony about this flood of illicit material. We have learned that during the past year more than 5 million packages of propaganda leaflets have arrived in America.

Some of these have been addressed to known members of the Communist apparatus for distribution among others already in the service of the Soviet Union whom the Soviet Union seeks to convert. A great proportion of this material, however, has been addressed, unsolicited, to Iron Curtain refugees who are greatly alarmed by the realization that even in the United States their identities and their whereabouts have become known to the governments of the very police states from which they fled.

The committee during its hearings here hopes to ascertain how much of this material is coming into the Pennsylvania area and who is receiving it, so that it may recommend legislation to end this abuse of our mails.

It is indeed ironic that the operations of the Communist conspiracy require the presence of the Committee on Un-American Activities in this historic city. But perhaps it serves as an illustration of the fact that not even great historic traditions such as this city possesses brings exemption from the objectives of Communist tyranny. Freedom is a hard-won thing. Its preservation is even harder. It is the hope of this committee that through hearings such as these it may help to make freedom more secure for the people of this city and for the rest of the Nation as well.

Call your first witness, Mr. Arens.

Mr. ARENS. Mr. Irving Fishman.

Kindly remain standing while the chairman administers the oath to you.

The CHAIRMAN. Mr. Fishman, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FISHMAN. I do.

TESTIMONY OF IRVING FISHMAN

Mr. ARENS. Kindly identify yourself, sir, by name, residence, and occupation.

Mr. FISHMAN. My name is Irving Fishman. I live in the city of New York. I am deputy collector of customs at the port of New York. I also have under my supervision the operation of control units throughout the United States whose concern it is to examine and identify much of the political propaganda which enters the United States from the Soviet bloc countries.

Mr. ARENS. How many ports of entry are there in the United States through which Communist propaganda enters this country?

Mr. FISHMAN. Some 48 various ports of entry.

Mr. ARENS. How many control units are being operated by the Bureau of Customs?

Mr. FISHMAN. Only three. We have divided the country into three sections, so to speak. With the cooperation of the Post Office Department we arrange to have mail from the Communist bloc countries intended for the eastern part of the United States directed to the port of New York, where we have a control unit. Mail which enters the west coast is handled at our San Francisco office. Much of the mail destined for the Illinois and Wisconsin areas is handled out of the Chicago office.

Mr. ARENS. Mr. Fishman, in summary form tell the committee for this record the applicable statutes of the United States which govern the screening procedures of your agency in undertaking to cope with the foreign Communist political propaganda.

Mr. FISHMAN. Actually we recognized a number of years ago when the flow of this political propaganda, Communist propaganda, commenced to assume some real shape, that there was no Federal legislation, no statutes which directly prohibited the importation of this type of material. So after a study of the entire problem with

the Post Office and Justice Departments, we found that it was possible to ban most of this material or a good part of this material by using the Foreign Agents Registration Act.

Mr. ARENS. Give us the essence of the provisions of the Foreign Agents Registration Act, if you please, sir.

Mr. FISHMAN. Generally speaking, the Foreign Agents Registration Act is a disclosure type statute. It contemplates that citizens of the United States who desire to read foreign political propaganda be made aware of the source of the material. The Foreign Agents Registration Act, therefore, in some substance—and I am not an expert on the act itself—provides that a person in the United States who disseminates foreign political propaganda be registered with the Department of Justice, that it keep the Department of Justice posted on its activity, and the volume of business it does in the United States. It also provides something which is more pertinent to this problem we have, that much of this political propaganda be labeled correctly so that people who read it and who have no way of knowing its source may have an opportunity to evaluate it. Some of this material is so carefully worded and prepared that it is pretty difficult on reading it to understand or to know whether it was printed in the United States, whether it is factual, whether it has the blessing of some Government agency here, for example. It is clear that the law contemplated that the material be labeled. As we understand the law, it does not prohibit an individual from reading a pamphlet or a booklet or any periodical which emanates from the Soviet bloc countries provided this individual has an opportunity to evaluate properly by knowing its source. That generally was the problem we faced, and we found that if this material itself on arrival here was not destined to a registered agent or it was not apparent that it had been solicited, that we could hold it up. Under an opinion of the Attorney General some years ago the Post Office Department declared much of this material nonmailable, and we in the customs service, if this material arrived by means other than the mails, found that we could consider it subject to seizure as an importation contrary to law.

That pretty much is the basis under which we operate.

Mr. ARENS. Mr. Fishman, under the Foreign Agents Registration Act, is there any limitation on the quantity of Communist propaganda from abroad which may be shipped into the United States provided it is destined to a registered agent of a foreign power?

Mr. FISHMAN. There is no limit. They can bring in tons of it. There is only one requirement, and that is that when this registered agent in turn disseminates the information, that he label it so that recipients be made aware of its source.

Mr. ARENS. That is the same theory, is it not, Mr. Fishman, which permeates the philosophy of our food-and-drug laws, so that a person, if he reaches in the medicine cabinet will at least be on notice that he has his hand on a bottle of poison? Isn't that true?

Mr. FISHMAN. That is correct.

Mr. ARENS. Mr. Fishman, how long have you been in the customs service?

Mr. FISHMAN. Some 29 years.

Mr. ARENS. You are thoroughly acquainted, I take it, with the personnel in the customs service who deal with this problem?

Mr. FISHMAN. That is right.

Mr. ARENS. In the course of your long years of service in the customs service and on the basis of your acquaintanceship with other people dealing with this problem in the customs service, have you or has any individual, to your knowledge, in the Bureau of the Customs, ever seen a single piece of foreign Communist propaganda labeled as such pursuant to the requirements of the Foreign Agents Registration Act?

Mr. FISHMAN. I personally have never seen any except for the samples issued by the Department of Justice which serve as an example of how it should be labeled, but personally I have never seen any anywhere in commercial channels which was labeled.

Mr. ARENS. Is it also a fact that under the provisions of the Foreign Agents Registration Act a person in diplomatic status or a person with the right of diplomatic pouch is not required to make any accounting of the propaganda material which comes into the country?

Mr. FISHMAN. That is correct. They are exempt pretty much from all of these requirements.

Mr. ARENS. Is it also true, that under the Foreign Agents Registration Act, an individual within the United States who is a willing recipient of the foreign Communist political propaganda can receive such without any limitation whatsoever?

Mr. FISHMAN. Not without any limitation. The only restriction that we might—

Mr. ARENS (interrupting). Without numerical limitation, I mean.

Mr. FISHMAN. That is right, numerical limitation. If it is intended for dissemination he is bound by the same requirements that the registered agent is, and he should be registered with the Department of Justice.

Mr. VELDE. Mr. Fishman, do you have anything to do with the actual labeling of this propaganda material?

Mr. FISHMAN. No; compliance with the law is administered by the Department of Justice and the Federal Bureau of Investigation. The one situation that warrants a little exploration, perhaps, is the business of the registered agent determining what is political propaganda in order to label it. If he sends it in the mails after he gets it and he considers it political propaganda, he must label it properly.

Mr. VELDE. Or suffer the penalties of the law?

Mr. FISHMAN. That is right. If the agent himself doesn't think that the material is political propaganda, he probably doesn't label it.

Mr. VELDE. I am familiar with the Foreign Agents Registration Act. However, I don't recall whether any cases have been brought or any indictments made for violation of the law as far as labeling is concerned.

Mr. FISHMAN. No; I have never known of a case. I don't think there has been, at least not within my knowledge.

Mr. VELDE. You feel it would be a lot easier to catch this nonlabeling as it comes through customs than it would be to force labeling after it gets to the registered agent?

Mr. FISHMAN. We do. Actually this is not the opinion of the Treasury Department. It is my own. I think if we could require the material to be labeled before it gets into the United States, and before it begins to get into interstate commerce we would be able to keep a

heck of a lot of it out because they would never agree to labeling it as being Communist propaganda.

Mr. ARENS. Mr. Fishman, may I inquire as to the other agencies which participate in screening procedures of this foreign Communist political propaganda. You represent the Customs Bureau. What other agencies of the Government participate?

Mr. FISHMAN. The Post Office Department. Since it is a joint venture in many of these situations, I represent the Post Office Department, too. The Justice Department of course is our attorney, so we go to them from time to time for advice on what constitutes political propaganda, for example, although the law contains a very clear definition of it.

Mr. ARENS. Is foreign Communist political propaganda which comes through the mails, first-class mail, subject in any way to screening?

Mr. FISHMAN. No; we respect the privacy of the mails except where there is some reason to suspect that the mailed article contains prohibited matter or anything which may be subject to the assessment of duty.

Mr. ARENS. What are the modes of arrival of this Communist foreign political propaganda?

Mr. FISHMAN. I should think about 75 percent of it arrives via ship, of course, but in the mails, in the worldwide mail system.

Mr. ARENS. Does the material come in bulk?

Mr. FISHMAN. Bulk sacks for the most part.

Mr. ARENS. What are the other devices by which it arrives?

Mr. FISHMAN. It arrives commercially by air and by freight.

Mr. ARENS. Mr. Fishman, I would like to ask you if you will give this committee an approximation of the amount of this Communist foreign political propaganda which arrives in the Pennsylvania area in the course of, let us say, a month.

Mr. FISHMAN. We maintain our statistics on the basis of port arrival. In other words, we know what we get at New York, Chicago, and San Francisco, and we can tell you what we have, for example, for the month of May in these areas. So far as Pennsylvania is concerned, with the cooperation of the Post Office Department some time ago we selected a 4-week arrival consisting of 830 sacks of mail at the port of New York and broke it down statewide. We were interested at that time in determining how many control units to establish throughout the country. We found that the State of Pennsylvania ranked fourth in the receipt of this type of material, New York ranked first. The State of Pennsylvania had the fourth largest amount of political propaganda addressed to recipients in the State.

Mr. ARENS. It comes through the port of entry at New York, it comes through the port of entry at San Francisco, and it comes through the port of entry in Chicago to the control unit, is that correct?

Mr. FISHMAN. That is right.

Mr. ARENS. Have you statistics reflecting the aggregate amount of items from all three ports of entry, which hit the Pennsylvania area in the course of a month?

Mr. FISHMAN. Using the figures at New York, there were 16,000 packages of mail of this type of propaganda material destined for Pennsylvania through New York.

Mr. ARENS. Over what period of time? One month?

Mr. FISHMAN. During the 4-week period. I think we could double that or a little higher, possibly somewhere around 32,000 parcels of mail.

Mr. ARENS. How many individual items would be in a parcel?

Mr. FISHMAN. From maintaining statistics we consider the average package contains between 4 to 6. We get higher runs. Some of them contain a dozen individual publications.

Mr. ARENS. That would mean, would it not, Mr. Fishman, over 100,000 items of foreign Communist political propaganda are hitting Pennsylvania every month?

Mr. FISHMAN. Every month.

Mr. VELDE. May I ask, since New York was first and Pennsylvania was fourth, are California and Illinois second and third?

Mr. FISHMAN. Illinois is second and, surprisingly, New Jersey is third. This was during this test run. Of course the situation has changed somewhat. Additional countries have been added to the Communist bloc. I think California runs very high because of the Chinese material which hits our San Francisco control unit.

Mr. ARENS. What percentage of the Communist foreign political propaganda which arrives in the Pennsylvania area at the rate of over 100,000 items a month is in a foreign language?

Mr. FISHMAN. About half of it, I would say; maybe a little more than that.

Mr. ARENS. What foreign languages predominate in the political propaganda emanating from Communist-bloc countries?

Mr. FISHMAN. It is carefully prepared to take care of the populace, the background of the individual who resides in a given area. For example, I think in this vicinity we might have a lot of Hungarian, a lot of Czechoslovakian, a lot of Russian, Polish, and Croatian languages probably. We do not have that type of information here at the moment, but I would say it gets a bit of almost everything.

Mr. ARENS. Could you tell us of the one hundred and twenty-odd thousand items of this Communist propaganda which hits the Pennsylvania area every month, how many individual recipients are from abroad?

Mr. FISHMAN. The brief analysis that we made indicated that in this area you see a lot of single copies. I would say about 100,000 people are involved in that situation. There will be 2 and 3 in some packages addressed to individuals. They cover complete communities. I think one of the popular ways of doing that I suppose is to pick up a telephone book listing the names of subscribers and so on and just blanket the entire group.

Mr. ARENS. This one-hundred-and-twenty-odd-thousand items coming into this State every month are part of an overall aggregate which also includes material coming first class, isn't that correct?

Mr. FISHMAN. That is right.

Mr. ARENS. Have you any way of estimating the amount of Communist foreign political propaganda hitting this State every month arriving by first-class mail?

Mr. FISHMAN. We couldn't estimate it. We can tell you, for example, that in the month of May at the port of New York we had over 210,000 packages of mail to process.

The CHAIRMAN. Mr. Fishman, if I follow you, then the Government of the United States is absolutely helpless with respect to scrutinizing this material that comes first class?

Mr. FISHMAN. We are absolutely helpless. Because of the respect which is given the privacy of the mails, we do not ordinarily examine first-class mail.

The CHAIRMAN. Is there anything to indicate in this first-class mail that it is propaganda?

Mr. FISHMAN. We know that much of it is. We know it for this reason: Recently there has been much publicity about the "redefection" program, and our agency as well as all the other Government agencies, including the Congress, incidentally, receive much complaint from people throughout the country who are being blasted with this redefection material. Most of these people were very much alarmed about it. They did not realize that their addresses were known. They wrote to the Post Office Department. They wrote to everyone they could possibly think of. They sent us copies of this material, in most cases sending along the wrappers. We found that a good deal of this material was coming in first-class mail. We then found that it was a simple matter to detect it because we would get a complete sack of it. It would all look alike. The material was similar from the outside.

The CHAIRMAN. Wouldn't that indicate that the Congress ought to devise some method for obtaining permission from the court, something in the nature of a search warrant based on reasonable grounds and belief that the contents of the package are propaganda, and that the law with respect to the registration of propaganda is not being complied with? Obtain permission of the court to examine the first class mail. Do you think that would offer safeguards to the first-class mail and at the same time protect the United States, which is now in the very anomalous position of the taxpayers contributing toward the expense of the dissemination of the poison.

Mr. FISHMAN. I imagine the entire situation could stand a little clarification and possibly some legislation would help. There is a provision in the postal laws which permits us to go into the court and obtain permission to examine this mail. There is also another provision in the law which permits us to ask the addressee to waive the privacy of the seal. But that is a long-winded and very cumbersome procedure. If you get 10,000 individual envelopes and you have to send 10,000 notices to addressees asking permission to look into their package you can see the cost of such an operation.

Mr. VELDE. Mr. Chairman, would you apply that to all forms of mail emanating from behind the Iron Curtain?

The CHAIRMAN. I don't know. We receive a large amount of Communist foreign propaganda coming from countries outside the Iron Curtain in which there are large Communist populations at this very moment.

Mr. ARENS. Mr. Fishman, do the recipients of this Communist foreign political propaganda include schools, colleges, and libraries in the Pennsylvania area?

Mr. FISHMAN. Oh, yes; a heavy concentration of that.

Mr. ARENS. Does the individual librarian or recipient in the school or college or institution have any indication, other than the context itself, that he is receiving Communist political propaganda?

Mr. FISHMAN. Unless the college or university is engaged in a research program, they would have no opportunity to know that. Much of this material is addressed to the student groups rather than to the librarian or the university itself.

Mr. ARENS. Before you begin to allude to some of the typical exhibits which I see you brought with you of this foreign Communist political propaganda, I would like to ask you on the basis of your background and experience of many years in this work, what difference does it make to this Nation, what difference does it make to the security of this Nation, that there is this flood of Communist foreign political propaganda pouring all over the crossroads of this country?

Mr. FISHMAN. My observation, of course, is personal. You have all sorts of reaction to that type of inquiry. There are people who feel that the average American will not be injured by this material, that he should have access to it so he can determine how the program is being developed. But much of it is not destined to the average American. It is not destined to people who have access to the radio and TV and newspapers as we do. Many of them don't read the American or the English-language newspapers.

Mr. ARENS. Did you say 50 percent of it is in foreign languages?

Mr. FISHMAN. That is right. They will read a lot of this material. A good deal of it takes up issues pertinent to us, current matters, and they will obtain the viewpoint of the writer rather than the actual truth.

Mr. ARENS. Is it not a fact that in addition to the impact upon the mind from Communist political propaganda in many of these publications, we have the directive to the comrades as to the line they are to pursue within their local communities?

Mr. FISHMAN. That is right, especially the organization issues—the periodicals published by the various organizations in all of these areas.

Mr. ARENS. And in the dialectics, or in the language of communism, the individual comrade or pro-Communist within this Nation will see the line he as a loyal comrade is to take; isn't that correct?

Mr. FISHMAN. Yes.

Mr. ARENS. I respectfully ask you if you have brought with you some typical illustrations of the type of Communist foreign political propaganda which is being disseminated over the length and breadth of this land from afar.

Mr. FISHMAN. There are over 1,000 different types of periodicals which hit us regularly. I brought just a handful of them. These represent various countries. Some of them are from the Soviet Union. Some are from Hungary, Poland, Czechoslovakia, Rumania. I also have a group of publications and periodicals which deal specifically with the "return to the homeland." We have made some translations.

Mr. ARENS. Mr. Fishman, I expect in a few moments to interrogate one of your associates respecting the "redefection" campaign. I should like to lay before you a few of your exhibits and invite your attention specifically to the nature of its foreign political propaganda.

I see one entitled, "Around the World," in Polish, and ask if, on the basis of your techniques within the customs service, you are acquainted with the line pursued in that particular publication which is typical of the bulletins, magazines, and other political propaganda being disseminated in this country.

Mr. FISHMAN. We selected at random one of the articles in this publication entitled "Around the World," in issue No. 17. This purportedly describes a trip made by a foreign correspondent to the United States. He visited San Francisco particularly. He, of course,

explains how unfortunate the people who live in San Francisco are in the way in which they have to live and their working conditions, and so on.

Mr. ARENS. May I ask—without undertaking to burden the record with a repetition of this question, but I want the record to be clear on it—is there any indication on this particular magazine which circulates to Polish nationals in this country, that the recipient is reading Communist political propaganda?

Mr. FISHMAN. No. There is no labeling at all.

Mr. ARENS. May I pause here so this record is clear. Is there a distinction, Mr. Fishman, between Communist political propaganda and, say, a Communist textbook on science or an objective treatise on some subject matter which does not embrace political action?

Mr. FISHMAN. There is a definite distinction. As with other countries, we have many imports of scientific and technical material from these countries which do not contain political propaganda, and we make no detention or hold.

Mr. ARENS. So long as the material which is received in the United States does not fall within that category of incitement to sedition, subtle propaganda, following of the Marxist Communist line, it is completely beyond the purview of your inquiry, is it not?

Mr. FISHMAN. That is correct.

Mr. ARENS. So this particular document, which you have described as typical of the Communist foreign language propaganda hitting the United States, is in that category of political propaganda?

Mr. FISHMAN. That is correct.

The CHAIRMAN. Mr. Arens, may I interrupt at this point. The thing that is strange to me is, how approximately 5,000 copies of that publication found its way into the coal region of northeastern Pennsylvania. Where did the names come from?

Mr. FISHMAN. Mr. Chairman, we think, or at least we think that we have pretty good control over this material, but because of the way in which the international mails are prepared for shipment to the United States, it is sometimes possible for a complete sack of mail to be destined or addressed to a given State and be forwarded directly to the city without customs treatment. We have made every attempt of course to stop that, but that will happen. We have these three control units and we think we get much of it sent there, but there is a lot of it arriving in the city mail or in the sacks which contain mail for all over the United States, and it is not segregated but sent on to its destination without any detention anywhere along the line.

The CHAIRMAN. Have you made any attempt to ascertain how the recipients' names were obtained?

Mr. FISHMAN. We have never made too much investigation into that, although we have a pretty good idea that they have access to the listings of members of various organizations, some of these organizations the members of which have their heritage in a foreign country.

Mr. SCHERER. Organizations in this country that have been infiltrated by Communist agents here.

Mr. FISHMAN. Not necessarily. For example, the Polish-American Congress has some 250,000 members, I think. If they could have access to the members' names they would have 250,000 addresses, to whom they would send Polish material.

Mr. SCHERER. I meant they get access to these lists, to these names, by Communist infiltration into local organizations.

Mr. FISHMAN. That is right. Personally I have heard that such information is not available, that you can't have access to listings of members, but I suppose if someone got into the organization they would get that list of members.

Mr. ARENS. I invite your attention to another exhibit you have brought here and which appears to be beautifully gotten up. I would appraise it myself as comparable in appearance and beauty to some of the finest magazines which we have here in the United States. It is entitled "Soviet Union." Will you in your own way, on the basis of your techniques, describe for this record the essence of the line which is enunciated in that magazine?

Mr. FISHMAN. This magazine is printed in half a dozen languages. This one happens to be printed in Russian, which is not my language, but I have a translation here. It explains how heavy industry develops in greater strides in the Soviet Union than it does in the United States, the way in which foreign visitors to the U. S. S. R. are received. It goes into a great deal of detail on the great visits of friendship to London and the anticipation of what will happen when Tito gets to the U. S. S. R. Generally speaking, the thing depicts life as being a very happy business over in the Soviet Union.

Mr. ARENS. Of course there is no indication in it, as the law requires, that the recipient is receiving Communist political propaganda; is there?

Mr. FISHMAN. That is right.

Mr. ARENS. In other words, there is a wholesale violation of the law, is there not?

Mr. FISHMAN. If it is disseminated without any indication of its source, it would be a violation.

Mr. ARENS. I ask you facetiously so this record is clear, there is nothing in this magazine depicting the glories of life in the Soviet Union which alludes to the slave labor camps; is there?

Mr. FISHMAN. None. None that I have been able to read.

Mr. ARENS. I would respectfully suggest, Mr. Fishman, in view of the fact that you are thoroughly conversant with your exhibits, that you select another typical exhibit, perhaps of a different character, and describe it for the purpose of this record for the enlightenment of the committee.

The CHAIRMAN. Before you go into that, what would be the approximate cost of that magazine?

Mr. FISHMAN. I think it compares very favorably to Life magazine in this country. That same publication in the same format is printed in almost every one of the Soviet bloc countries. There is some reason to suspect that they are all probably prepared by the same editors and by the same group. This is for Rumania. There is one for Poland. There is one for Czechoslovakia. But they all come in about the same. They look pretty much like Life magazine.

The CHAIRMAN. In other words, it costs a lot of money to disseminate that information. It seems to me that is nearly a violation of some international arrangement to have a foreign government at its expense attempt to disseminate propaganda into this country.

Mr. FISHMAN. I imagine it is a very expensive proposition since they have no advertising at all.

Mr. ARENS. Mr. Fishman, I respectfully suggest that you select another typical illustration of your exhibits.

Mr. SCHERER. May I interrupt for just a minute. Would the lack of advertising indicate to you, Mr. Fishman, that it was propaganda? Would that fact itself represent such to your mind?

Mr. FISHMAN. No, not by itself. We would want to be satisfied that the articles——

Mr. SCHERER. Yes, but published for use perhaps in the United States.

Mr. FISHMAN. It might indicate that. These are, of course, all Government-sponsored. They are printed at the instance of the Government. Of course none of these we have been looking at recently has any advertising at all, except that you can buy some of these booklets. They give you the names of the agents throughout the United States, throughout all the countries actually, where you can subscribe to or buy these publications. That is the only form of advertising.

Mr. SCHERER. The lack of advertising would indicate that they were not published for use in the Soviet Union?

Mr. FISHMAN. Not for domestic consumption. I should think not.

Mr. ARENS. Mr. Fishman, I invite your attention specifically to magazine No. 2 of 1956, entitled "Bulgaria." I assume it is typical of the type of propaganda which is received from that Communist-controlled country, and ask if you would kindly describe that publication for this record.

Mr. FISHMAN. This is printed in the English language. It also, of course, is printed in several other languages. It contains a greeting and explains that this publication has been printed now for 10 years. It asks that the readers write in and say what they like or dislike about the publication. It contains some articles on the Prague Session of Peace. It indicates that Western warmongering is the cause of much of the war around the world, that the U. S. S. R. strives for peace and happiness, provides opportunities to advance under the Communist regime. Everyone has an opportunity to earn more money and to advance. It gives examples of peaceful cooperation. Other articles stress peaceful life and progress and the happiness of Bulgarians.

Mr. ARENS. Mr. Fishman, do you have exhibits here typifying the type of Communist foreign political propaganda which is directed specifically at youth groups in the United States?

Mr. FISHMAN. We have some.

Mr. ARENS. Could you describe 1 or 2 of them, please sir?

Mr. FISHMAN. Most of the bulletins directed to students throughout the United States are published by the IUS, the International Union of Students, I believe it is.

Mr. ARENS. Is there any indication on these bulletins that the International Union of Students is controlled by the Communist conspiracy?

Mr. FISHMAN. There is quite a bit of indication to that effect.

Mr. ARENS. I mean, is there any labeling to that effect?

Mr. FISHMAN. No, no labeling. Here is one, Young Generation, No. 5, published in German, issued from East Germany. The articles are headed "No One Is Excluded From the Communist Reconstruction Plan," and tell how the trade union youth of East Germany fights

for the interest of youth, how they send the young industrial workers to the country, and so on, helps the reconstruction of communism.

We have quite a few of those. Here is one, the World Student News, published by the International Union of Students, a complaint issued against Paraguay's police.

Mr. ARENS. In what language is that published?

Mr. FISHMAN. This is printed in English. It is also printed in half a dozen other languages. This particular issue tells the story of the fight that was made against Paraguay's police, for example. The IUS members are concerned about the plight of the American students. Then there is the story about Autherine Lucy in the United States and how she was discriminated against, and so on.

Another type of publication of course and one that we talked about a little while ago deals with these homeland publications. This is one entitled "Home" (DOMOV), published May 19, 1956, published by the Czechoslovak Foreign Institute, wherein the Western Powers are accused of creating a cold-war atmosphere in order to continue remilitarization while the U. S. S. R. is reducing its armed forces by 1,200,000, Atoms for Peace exposition of the latest Russian design nuclear development, and so on.

Mr. ARENS. Do you also have exhibits which are specifically directed at women groups in the United States?

Mr. FISHMAN. Here is one of the popular ones, Soviet Woman. The general line of this magazine is the struggle of the women for equality. Women in capitalistic countries are paid much less than men. Soviet women are paid better than anywhere in the world. It stresses the need for international friendships of people. The visit of Bulganin to England was a turning point in international relations. The women of Hiroshima demand banning of atom and H-bombs; care of children in the U. S. S. R.

Mr. ARENS. Mr. Fishman, do you, in addition to information which you have supplied this committee today with reference to the written propaganda, have information respecting Communist films which have been sent into this country from behind the Iron Curtain?

Mr. VELDE. Before we get into that, Mr. Chairman, I would like to make an inquiry.

Have you made any investigation to find out where these various magazines are printed? You mentioned the one that you compared to Life magazine, which looked as if it were printed on the same press.

Mr. FISHMAN. Invariably the indication is that it is printed in the country of origin. For example, this publication of News, No. 12, says published by Trud, Gorky Street, Moscow. We have our own suspicion that much of this is printed in Russia and then sent to the various countries for dissemination throughout the world. I don't think that some of these countries are capable of printing the type of periodical that they ship here.

Mr. VELDE. I would imagine that it would be scientifically possible to determine whether or not some of them were printed on the same press. It is my suspicion, too.

Mr. FISHMAN. I agree, Congressman, but as you know, we are only in the enforcement end.

Mr. VELDE. The Soviet Union has control over its satellites and could force them to send out something. At least the postmark is from the satellites, is it not?

Mr. FISHMAN. That is correct, except where they find it a little difficult to get in here and then they ship it around through some other country.

Mr. VELDE. I would suggest that it is possible, as I said, to ascertain scientifically whether they are printed on the same press.

Mr. ARENS. Do you have information respecting Communist films, motion pictures, which have been sent into the United States?

Mr. FISHMAN. That has never been neglected. There is a registered agent in the East, for example, who handles all of the film that is shipped from the Soviet bloc countries. These are regular current shipments of motion picture film which are shown around the country.

Mr. ARENS. Have you seen some of the films from behind the Iron Curtain which purport to show the horrible crime committed allegedly by the United States in using germ warfare?

Mr. FISHMAN. Oh, yes. We had quite a bit of that a couple of years ago.

Mr. ARENS. Are those films likewise to your knowledge used over the world?

Mr. FISHMAN. We suspect that some of these films got through. We had held one or two prints.

Mr. SCHERER. Didn't we have Mr. Chairman and Counsel, one of the registered agents before our committee in Washington who sells and distributes this film and this literature? His name was Smith, wasn't it, a former member of the National Labor Relations Board?

Mr. ARENS. Yes.

Mr. FISHMAN. Edwin S. Smith, I believe. He imports still film, news film.

Mr. SCHERER. He was for many years one of the members of the National Labor Relations Board.

Mr. ARENS. Do you also have information, Mr. Fishman, respecting the importation into this country of the prints—I don't know that I am using the right phrase—the prints from which they make other reproductions? "Plate" I believe is the word.

Mr. FISHMAN. Printing plates. We have had a number of shipments of printing plates during the period of time that we were somewhat bogged down. A lot of this material was slow in getting through. They attempted to bring the printing plates here and print the material here and get it out a lot faster that way.

Mr. ARENS. Mr. Fishman, I would like to invite your attention to the subject of how this committee, in your judgment, can develop legislation which would insure better weapons to the customs and to the other enforcement agencies in undertaking to cope with this flood of foreign Communist poison. May I specifically invite your attention to the question as to who may act as an agent of a foreign power under the present law? Is there any suggestion you can make which might strengthen the law in that respect?

Mr. FISHMAN. The Treasury Department has come to no conclusion that I know of as to what changes in legislation it would like to see come to pass. The help that we could use—

Mr. VELDE. Why the Treasury Department? Shouldn't it be the Justice Department? I see. You are talking about your own department.

Mr. FISHMAN. Speaking personally, we would like of course to have our hand strengthened. As I mentioned earlier in the testimony, there is no specific legislation which prohibits this material from coming into the United States, and we would have to go about it by attempting to determine whether this material is intended for dissemination.

Mr. ARENS. You are not asking, Mr. Fishman, that there be a prohibition, are you? You are asking only that it be labeled?

Mr. FISHMAN. We are asking that it be labeled, and labeled at its inception, at least when it enters the United States, rather than leave it to the registered agent to determine what is political propaganda and when he shall label.

The CHAIRMAN. It seems to me that that is just slapping him on the wrist. During recent weeks we have been reading all the statements made concerning the desire of the Communist countries for peace and cooperation. Certainly it seems to me that this very situation would call for the Secretary of State to say to these Communist governments: "Here is an opportunity for you to demonstrate your bona fides. Just stop sending propaganda to the United States as a concrete indication of your desire to practice what you preach."

Mr. ARENS. Mr. Fishman, you are conversant with the fact, are you not, that in 1932 or 1933 when the United States gave diplomatic recognition to the Soviet Union, one of the conditions upon which there was a recognition was that the Soviet Union at that time promised with great solemnity that it would discontinue its propaganda activities within the United States. Isn't that correct?

Mr. FISHMAN. Absolutely. That is correct.

Mr. ARENS. Mr. Fishman, are there any other areas in which you feel the law could be strengthened with reference to attempts of the Customs Bureau and Post Office Department to deal with this serious problem?

Mr. FISHMAN. We would like to see, for example, that the law define, or rather assign, this enforcement problem to a specific agency. Right now, of course, it is a 3-agency proposition. I think if the law charged an agency specifically with the enforcement of this part of the act, we could arrange to handle the work a lot easier by way of appropriation, for example, and establishing additional control units. We would like to see that the law strengthen our hand in permitting those people who merely want to study this material to have access to it without any difficulty.

The CHAIRMAN. Before you proceed, I think, Mr. Fishman, you spoke of the joint venture, at least I made a note at the beginning of your testimony. Is that what you meant by divided responsibility?

Mr. FISHMAN. That is right. Right at the present time the work is being done by Customs and Post Office.

The CHAIRMAN. And the Justice Department, also?

Mr. FISHMAN. Justice serves as counsel, so to speak. We go to Justice for advice in many instances, but they do not supply any of the actual people for the operation.

The CHAIRMAN. I thought in a recent appropriation bill we wrote a provision that was designed to cover this joint venture so that funds

would be available for personnel engaged in this particular type of work.

Mr. FISHMAN. The Treasury Department did get some money to handle the mail part of this work.

Mr. SCHERER. Which agency do you think is best equipped to handle it? I admit it should not be a divided responsibility between two or more agencies.

Mr. FISHMAN. I am from Customs, as you know, so I don't want to make it appear as though we are searching for this work. The only reason we are in it at all is because we have first access to it. It comes to us before it gets into the United States. So it would be a natural place for it to be developed. The Post Office Department, of course, is the means for turning it over to us.

Mr. ARENS. Mr. Fishman, here is a man, we will say, who is in the Russian Embassy in Washington, and engaged full time in receiving this type of material from abroad and disseminating it over the country, picking out foreign language groups, people in schools and colleges and libraries and churches. Is that man under the present law required to register under the Foreign Agents Registration Act?

Mr. FISHMAN. No. He is exempt. I do know, however, that several attempts have been made to amend the Foreign Agents Registration Act to more clearly define the act.

Mr. ARENS. Would it be helpful on the basis of your personal experience in the Customs if the law said that anyone, irrespective of diplomatic status or semidiplomatic status, who is engaged principally in disseminating Communist foreign political propaganda must register with the Department of Justice and must label the material which he disseminates?

Mr. FISHMAN. It would be extremely helpful.

Mr. ARENS. We have that loophole in the present law, have we not?

Mr. FISHMAN. That is right.

Mr. ARENS. At the present time how many translators do you have in the Customs who are in a position to translate this flood of material which comes in and to make some kind of an appraisal of it?

Mr. FISHMAN. About a dozen people all told throughout the country.

Mr. ARENS. That includes those assigned on the west coast, does it not?

Mr. FISHMAN. That is right.

Mr. ARENS. Translating Chinese. And part on the east coast?

Mr. FISHMAN. And part in Chicago and the group on the east coast.

Mr. ARENS. Do you have a deficiency in the number of translators to cope with this flood of material?

Mr. FISHMAN. Not at the three control units we now have established. If we decided that we would like to look at more material which enters the southern part of the United States, for example, we would have a deficiency.

Mr. ARENS. Do you have, in addition to the Communist propaganda which is destined to the United States from abroad, transshipments of Communist propaganda which originate in one area controlled by

Communists and destined to some area, but transshipped through the United States?

Mr. FISHMAN. Oh, yes. In a little exploratory investigation we made in the South we found that that was a very common practice; that tons of this material was carried through the United States.

Mr. ARENS. As a matter of fact, that material which is carried through the United States is paid in part by the United States taxpayers, is it not?

Mr. FISHMAN. Yes; it is carried through the United States mails.

Mr. ARENS. And the United States mails are not self-sustaining. Therefore, it is paid in part by the United States taxpayers?

Mr. FISHMAN. That is correct.

Mr. ARENS. To your knowledge have the nations of the world at any time sat down and undertaken to arrive at some conclusion satisfactory to all of them as to how to cope with transshipments of Communist propaganda through the free world?

Mr. FISHMAN. I have no knowledge of that.

Mr. ARENS. Has there been any international agreement bearing upon the mailability or transportability to and through one country from another of Communist political propaganda?

Mr. FISHMAN. International agreement?

Mr. ARENS. Yes, sir.

Mr. FISHMAN. I am not aware of it. There is a proviso in the Foreign Agents Registration Act which might help cope with this problem if the laws of the country to which this material is sent were similar to ours in banning the dissemination of this material. But that is a long-range proposition. We frequently are unaware of such foreign internal laws. It is pretty difficult to make any investigation to see whether the country it is going to has any objection to receiving it.

Mr. ARENS. Do you have any suggestions to make on a personal basis, on the basis of your background and experience, as to how we could adequately deal with the transshipment of Communist political propaganda through the United States destined to other countries?

Mr. FISHMAN. I am afraid I haven't given that very much thought. It is a separate and distinct problem. We made this investigation which developed the fact that a good deal of it is coming through. We reported those facts to the agencies concerned. Just what they have done about it I don't know.

Mr. ARENS. Mr. Fishman, this part of the hearing today is only one segment of an overall project of the committee with respect to Communist propaganda. I want to ask you if on the basis of your experience in this field, you are cognizant of the fact that there are also in the United States a number of propaganda mills which develop domestic Communist propaganda. You are aware of that fact, are you not?

Mr. FISHMAN. I am very much aware of that because these are recipients of a good deal of this material.

Mr. ARENS. Do the domestic mills of Communist propaganda and the Communist publishing houses which operate in this country reproduce and follow the line enunciated in the exhibits which you have displayed to the committee today?

Mr. FISHMAN. There is no question about that.

Mr. ARENS. There is a close proximation or following of the line, is that correct?

Mr. FISHMAN. It is just reprinted, verbatim, most of it.

Mr. SCHERER. Chiefly by the Daily Worker?

Mr. FISHMAN. There are other publications similar to that.

Mr. ARENS. Can you transfer custody of some of these exhibits to the committee at this time so that the committee will have them available for further study with reference to this overall project on Communist propaganda?

Mr. FISHMAN. Yes; we will leave them here.

Mr. ARENS. We would appreciate it ever so much.

Mr. VELDE. Mr. Fishman, am I to understand that you know that there is a lot of Communist propaganda coming through first-class mail?

Mr. FISHMAN. Oh, yes.

Mr. VELDE. Which you cannot open of course. The only way you know that is that the recipients of it have complained?

Mr. FISHMAN. As a result of this redefection program we did make this test of sending requests to addressees for permission to open their mail. Many of them gave it to us gladly. In a month in New York we had some 5,000 articles without trying too hard. That was just the type of material we could readily identify. We don't know what else there may be.

Mr. VELDE. None of the material that you have shown us here this morning came through first-class mail?

Mr. FISHMAN. None of it with the possible exception of 1 or 2 of these specific homeland publications which we had permission to take from the mails. All of the others are commercial imports.

Mr. ARENS. Mr. Chairman, I respectfully suggest that while Mr. Fishman is present one of his associates, Mr. Sergei Buteneff, a translator, be now sworn because we would like to interrogate him specifically with reference to the redefection campaign.

The CHAIRMAN. I think this would be a good time to take a recess. The committee will stand in recess for 5 minutes.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Call your next witness.

(Members of the committee present: Representatives Walter, Velde, and Scherer.)

Mr. ARENS. Mr. Chairman, I respectfully suggest that in the presence of Mr. Fishman, Mr. Sergei Buteneff be sworn.

The CHAIRMAN. Do you solemnly swear that the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BUTENEFF. I do.

TESTIMONY OF SERGEI BUTENEFF

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. BUTENEFF. My name is Sergei Buteneff. I live in New York. I am the assistant to Mr. Fishman in charge of the Book Section of the Restricted Merchandise Division in the United States Customs in New York.

Mr. ARENS. Mr. Buteneff, you are a translator in charge of the translating work under Mr. Fishman, is that correct?

Mr. BUTENEFF. That is correct.

Mr. ARENS. In the course of your duties have you ascertained the contents of letters and material being sent into the United States from behind the Iron Curtain, in what we commonly refer to in these days as the redefection campaign?

Mr. BUTENEFF. Yes. We have seen actually thousands of these letters coming through.

Mr. ARENS. What did these letters contain? What is the essence of these letters?

Mr. BUTENEFF. The essence of these letters—actually the purpose of these letters is trying to stimulate nostalgia for the homeland of particular people now living in the United States as refugees, calling them to return, very sentimental articles, sometimes addressed by relatives and printed in these papers, hoping that their relatives will maybe receive such a copy and will read it; and also asking them to return to their mothers and fathers and sons and so on.

Also a lot of material in this redefection propaganda states that those who will return will be guaranteed complete safety and also will be guaranteed work, housing, and even money upon arrival to their homeland.

Mr. ARENS. Have you had occasion in the course of your work to sense and develop the effect of this redefection campaign in which these thousands of letters are sent to people in the United States to return to their homeland?

Mr. BUTENEFF. The effect is very difficult to analyze actually because you have to think about various kinds of refugees now in the United States. Some of them are just simple laborers and some of them are intellectuals. Of course the effect of this propaganda will be different depending on who reads it.

Mr. ARENS. What would be the general typical effect in each of the various groups that you describe?

Mr. BUTENEFF. I would say by stages that the first effect is a tremendous scare that they have received such propaganda, because most of these people are hiding, and some of these people have changed their names in order to escape detection by the Soviet agents. When they receive such material they really get scared because they receive it under their new name.

Mr. ARENS. In other words, the recipient in the United States thinks that he has pretty well hidden his identity and his address from the Soviet masters; is that correct?

Mr. BUTENEFF. That is correct.

Mr. ARENS. When he receives a letter addressed to him perhaps in a new name at a new address, he wonders with fright as to how the machinery of the Communist conspiracy was able to detect his presence at his new address and under his new name; is that correct?

Mr. BUTENEFF. That is right. I wouldn't say he wonders. He would be actually quite frightened.

Mr. ARENS. Is there any other effect which you have been able to sense in your work in this connection?

Mr. BUTENEFF. Of course, the other effect would be what, I think, is actually the purpose of such propaganda: Not only to disturb and disrupt the happiness of the refugees who arrive over here but actually

to hope that maybe a couple of them, maybe a family or two families will redefect. That, of course, will give the Soviets ample food for propaganda in order to scream all over the world that people are being oppressed over here because as soon as these refugees return to Soviet Russia or to a satellite country they immediately are told to say that they had been forbidden to return, that we had been trying to stop them but that finally they have reached heaven and happiness.

Mr. ARENS. Mr. Buteneff, have you had occasion in the course of your work to study the tenor or type of Communist political propaganda which is hitting our shores in comparison to the type which hit our shores, say, a few years ago?

Mr. BUTENEFF. Yes. Definitely there is quite a bit of difference. Quite a bit of difference in the type of propaganda received during the life of Stalin and a short period after his death. Since the coming to power of this new collective leadership it has changed to the worse from our point of view because in the Stalin period the propaganda was extremely rough, crude, very easy to notice when looking through the material. As a matter of fact, most of that political type of propaganda addressed against the United States was actually laughable because they would say that people are starving here, that people couldn't buy themselves a pair of shoes, and things like that, which obviously for Americans is of no effect. Since the death of Stalin somehow, maybe also together with that general attitude of the Soviets, the propaganda changed, too, and became quite subtle. Now in looking through all these magazines, sometimes we, even at first glance wouldn't think that it contained propaganda, and then slowly, analyzing deeper, we see that actually it does contain propaganda. It is milder. Now they are more friendly toward the United States people, sort of pitying them that they are being led by a group of warmongers or Wall Street Draculas, and so on, into an abyss.

Actually, I would say that one copy nowadays is of no effect. It is the continuous, week-by-week, month-by-month receipt of such material which certainly is a very dangerous type of propaganda.

Mr. ARENS. Does it condition the mind so far as you can ascertain?

Mr. BUTENEFF. Yes, there are definitely publications which are meant for simple people and some of them are meant for intellectuals. Particularly the type of propaganda received nowadays is conditioned to be swallowed very slowly and sort of breathed in, not even swallowed but to sort of impregnate your lungs slowly.

Mr. ARENS. How long have you been engaged in this work, Mr. Buteneff?

Mr. BUTENEFF. I have been engaged in this particular work for 3 years.

Mr. ARENS. In the course of your experience you have examined great quantities of this Communist literature, have you not?

Mr. BUTENEFF. That is correct, yes.

Mr. ARENS. Have you ever seen a single piece of literature from the Communist-controlled regime which was labeled Communist political propaganda pursuant to the provisions of the Foreign Agents Registration Act?

Mr. BUTENEFF. No, sir, I have not.

Mr. ARENS. I don't want to press upon your time beyond the subject matter for which you were called. Are there any comments

which either you or Mr. Fishman would like to make on this redefection campaign?

Mr. BUTENEFF. I would like to say one more thing: That all of what I have said before on this campaign is, of course, my personal observation and my personal viewpoint. It is not necessarily that of the Treasury Department.

Mr. ARENS. To your knowledge has the Customs Service or any agency of our Government undertaken to publicize the fact that a person who is wooed back behind the Iron Curtain by this redefection campaign under the law existing behind the Iron Curtain becomes again a citizen of those countries and is burdened immediately with all the obligations of citizenship in that Communist-controlled regime?

Mr. BUTENEFF. No, I am not aware of it.

Mr. ARENS. Do you care to comment on that issue, Mr. Fishman?

Mr. FISHMAN. I would like to comment on the overall effect of the committee's interest in this redefection program, as we have seen it.

As I mentioned earlier many of the people who received this material thought that they had been singled out—that they were the only ones who were getting it. They were of course very much alarmed. The fact that this had so much publicity in Washington during the hearing before this committee has helped immeasurably. Many of these people now know that it is a concerted effort—that it is not a single venture, that many people are receiving this material. They feel a lot better about it.

We have had a very marked lessening in the number of letters which have been written to us asking about it. I think many people have read the story and are now satisfied that they are just part and parcel of the entire overall propaganda program.

The CHAIRMAN. Don't you feel, Mr. Fishman, that a greater effort was made in the United States than elsewhere to prevail upon these people to come back because over one-third of all the refugees were brought to the United States under the Displaced Persons Act?

Mr. FISHMAN. Yes, I think a very concerted effort was made in this country rather than anywhere else, apart from the fact that it has publicity value in propaganda to say that Mr. So-and-So of such and such city, from New York, came home with his family.

Mr. SCHERER. Mr. Chairman, you say one-third of all the refugees? Why are there so many people in this country, Mr. Chairman, complaining about our policy on immigration?

The CHAIRMAN. That is a long, long story. Sometime when we have plenty of time I will explain it.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of these two gentlemen.

The CHAIRMAN. I am interested in this phase of the problem, Mr. Fishman. Yesterday the Senate passed a bill which I introduced on behalf of a former Russian spy. I think his name was Nikolai Khokhlov. He was one of the topflight espionage agents. He came to the United States and defected, and within a week after he arrived under an assumed name, having changed his address twice, he was contacted. That would indicate a very complex and competent espionage scheme, would it not?

Mr. FISHMAN. There is every evidence to that effect. These people aren't here very long when they immediately have a series of cor-

respondence addressed to them. Of course, we don't know where the shippers get the information. There is no question that a good deal of money is expended in following these people around the country and pinning them down. One of the things that was commented on, was the reaction of some people who had come here from abroad under sponsorship. A lot of them felt that this mail being sent to them was a reflection on their sponsors to some extent, because here they were being fed a lot of propaganda material to come home which might plaster them to some extent with the label of being interested in the Communist movement.

But there is no question that they are followed very carefully. At least, their current whereabouts are known almost at any given time.

The CHAIRMAN. Then it has another effect. Under the Refugee Relief Act a number of refugees were given numbers to come to the United States. The people whom proponents of the legislation said they wanted to help have not been moved in numbers, largely because of the lack of sponsors. I have come to the conclusion that interest in sponsoring does not exist because they do not want to be annoyed by the efforts of people after they get here to prevail upon them to leave again.

Mr. FISHMAN. I think your assumption is correct. They just don't want to get involved.

Mr. ARENS. Mr. Fishman, I think our record should also reflect this information.

Approximately how many foreign agents are presently registered with the Department of Justice as agents of a foreign power engaged in the dissemination of foreign political propaganda in the United States?

Mr. FISHMAN. All foreign governments?

Mr. ARENS. Yes, sir.

Mr. FISHMAN. It seems to me that there are some sixty, as I recall. Of course, the record is there with the Department of Justice to be explored. I don't know offhand. I know that in the New York area, for example, there are three major registered agents representing the Soviet bloc countries, and our concern is strictly with that field rather than the overall registration of foreign agents.

Mr. ARENS. Do you know if there are any registered agents in the Philadelphia area?

Mr. FISHMAN. None that I know of in this area.

Mr. ARENS. That concludes the staff interrogation of this witness.

The CHAIRMAN. Any questions, Mr. Velde?

Mr. VELDE. I have no questions, Mr. Chairman. I want to say that I appreciate the cooperative testimony these two fine gentlemen have given us. I am sure they are both fulfilling their duties to the fullest extent under existing law.

Mr. FISHMAN. Thank you very much, Congressman.

The CHAIRMAN. Mr. Scherer?

Mr. SCHERER. I have no questions.

The CHAIRMAN. Mr. Fishman, it would appear that the solution to this problem would lie in having the activities of this so-called joint venture itself incorporated in the Central Intelligence Agency.

Mr. FISHMAN. It is my understanding that their operation is outside the United States and not so much inside the United States. I think it would be out of their sphere.

The CHAIRMAN. At the moment, but I am talking about bringing it within their sphere.

Mr. FISHMAN. That probably would be a very good agency to connect up all of the missing links.

The CHAIRMAN. It would seem to me that agency would probably be able to tap sources much easier than an agency of government which functioned only in the United States.

Mr. FISHMAN. That would be of considerable help. There is no question about that.

The CHAIRMAN. This committee is appreciative of your efforts, Mr. Fishman. You and your staff have done a fine job. It is not easy. Surprisingly enough, the American people are not aware of the ramifications and how deeply the infiltration has actually been. We are very appreciative of your help.

Mr. ARENS. Mr. Chairman, would you indulge me for one more question, please?

The CHAIRMAN. Yes.

Mr. ARENS. Mr. Fishman, on the basis of your background and experience, would you care to give an appraisal of whether or not it would be more effective from the standpoint of controlling the operations in which you are engaged if there were an office located at the seat of government in Washington, which would be in closer proximity to other agencies?

Mr. FISHMAN. I think so.

Mr. ARENS. At the present time there is no central location at the seat of government of this operation, is there?

Mr. FISHMAN. No.

The CHAIRMAN. You are excused, Mr. Fishman and Mr. Buteneff. Call your next witness.

Mr. ARENS. Mr. Werner Marx, please come forward.

Kindly remain standing, Mr. Marx, while the chairman administers an oath to you.

The CHAIRMAN. Will you raise your right hand. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MARX. I do.

TESTIMONY OF WERNER MARX, ACCOMPANIED BY COUNSEL, W. WOOLSTON

Mr. ARENS. Kindly identify yourself sir, by name, residence, and occupation.

Mr. MARX. My name is Werner Marx, 4518 Smedley Street, presently occupied as a waiter.

Mr. ARENS. Mr. Marx, are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. MARX. That is right.

Mr. ARENS. Are you represented by counsel?

Mr. MARX. That is correct.

Mr. ARENS. Counsel, will you kindly identify yourself.

Mr. WOOLSTON. W. Woolston; W-o-o-l-s-t-o-n.

Mr. ARENS. You are engaged in practice in Philadelphia?

Mr. WOOLSTON. That is right.

Mr. ARENS. Mr. Marx, where were you born?

Mr. MARX. Frankfurt, Germany, sir.

Mr. ARENS. And when?

Mr. MARX. May 9, 1923.

Mr. ARENS. Give us, if you please, sir, just a brief sketch of your early life prior to the time that you came to the United States.

(The witness conferred with his counsel.)

Mr. MARX. Well, up until 1933 my life was that of any normal German youngster. I went to school, grammar school. I did the normal things any youngster would do up until that time. In 1933, as you know, the Nazis came to power in Germany and from there on my life quite radically changed insofar as I experienced quite a bit of pre-judism, and numerous times have been severely beaten up in school and other places.

I left school in 1937. I went to work for a little while. I was thrown out of a job because of my religious background. In 1938, on November 9, I believe, I was interrogated by the Gestapo at home, and a few days later my father was arrested and sent to a concentration camp. We escaped, my brother and I, to Holland, and there we stayed for a year, were interned in a camp, left for the United States in 1940. Or, rather, I think it was late December 1939. I believe that is about the date.

Coming to the United States, I began to work in a hotel as a bus-boy.

Mr. ARENS. Where did you land when you entered the United States?

Mr. MARX. In New York, sir.

(The witness conferred with his counsel.)

Mr. MARX. I began to work as a busboy in a hotel. Later on I became a waiter. I tried since 1942 innumerable times to get into the United States Armed Forces, but because of my status as an enemy alien at that time I could not be recruited. For that reason I left Hartford, Conn., and came to Philadelphia because I understand that recruitment was easier in Philadelphia. I continued working in Philadelphia for a little while and was recruited into the Navy. I believe the date was November 1943. I served on active duty for 3 years in various theaters of war.

Mr. ARENS. Were you commissioned?

Mr. MARX. No, I was not. I was a seaman first class.

After the war I went to high school, finished my high school diploma, then finished my college, and went on to the university for a while. I finished the university.

Mr. ARENS. The University of Pennsylvania?

Mr. MARX. That is right, sir.

Mr. ARENS. When did you graduate from the University of Pennsylvania?

Mr. MARX. I believe it was in 1951, sir.

Mr. ARENS. What degree did you receive?

Mr. MARX. Master and bachelor of arts.

Mr. ARENS. All right, sir.

Pick up the thread of your life there, if you please, sir, 1951.

Mr. MARX. I continued working during all that time in my profession as a waiter. I went to school.

Mr. ARENS. What degree did you receive from the University of Pennsylvania?

Mr. MARX. I believe I stated it was master of arts, sir.

Mr. ARENS. May I ask you more specifically, what was your specialty?

Mr. MARX. I see. I was in the field of dramatics, interested in linguistics, philosophy, comparative European literature, and literature in general.

Mr. ARENS. Did your master of arts degree at the University of Pennsylvania complete your formal education?

Mr. MARX. It did, yes.

Mr. ARENS. After you graduated in 1951 where did you get your first job?

Mr. MARX. My first job was in a—well, in 1950 I think I should mention, my wife and I took a trip to Europe for a short summer visit. After we came back I studied for a little while. Then I continued working in a machine shop—I believe it was, for several years—several machine shops. I left there and then about 2 years ago I took a job as a waiter and continued in that occupation up to the present time.

Mr. ARENS. Where did your brother settle?

Mr. MARX. He is in Hartford, Conn., sir.

Mr. SCHERER. Where?

Mr. MARX. Hartford, Conn., sir.

Mr. ARENS. Of what organizations were you a member when you left Germany?

(The witness conferred with his counsel.)

Mr. WOOLSTON. Will you repeat the question for the witness?

Mr. ARENS. What organizations were you a member of when you left Germany in 1939, I believe you said?

Mr. MARX. No organizations, sir.

Mr. ARENS. What organizations were you a member of when you left Europe?

Mr. MARX. No organizations, sir.

Mr. ARENS. Was your leaving Europe at the direction of any person other than on the basis of your consultation with your brother?

Mr. MARX. I don't think you could call it a consultation with my brother. My brother was only 10 or 11 years old at that time. I was only a youngster of about 16 or 17 myself. No. The reason was that we had no visible support. My father was still in a concentration camp at that time, so there was nothing else for us to do but to leave.

Mr. ARENS. Before we proceed further I want to touch upon this trip to Europe. Where did you go in Europe? What was the date? Was it in 1950?

Mr. MARX. Yes, sir.

Mr. ARENS. You and your wife took a trip to Europe?

Mr. MARX. That is right, sir. We flew to England, from England we went to Belgium, the Netherlands. We were in Germany quite extensively. We were in France. That is about the extent of my trip.

Mr. ARENS. You of course went on a United States passport?

Mr. MARX. That is right, sir.

Mr. ARENS. Are you a naturalized citizen?

Mr. MARX. I am, sir.

Mr. ARENS. When were you naturalized?

Mr. MARX. In 1944, sir. Do you want the exact date? I believe it was in May 1944.

Mr. ARENS. When you applied for your United States passport, did you sign an affidavit to the effect that you had never been a member of an organization dedicated to the overthrow of the Government of the United States by force and violence?

(The witness conferred with his counsel.)

Mr. MARX. I don't recall that, sir.

Mr. ARENS. To what clubs did you belong when you attended the University of Pennsylvania?

Mr. MARX. I feel that my associations as far as clubs or organizations are concerned, sir, is not within the prerogative of this committee and because of my previous experience with investigating committees I would rather not go into any associations at all.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. MARX. I refuse to answer that for two reasons. I do not choose to be a witness against myself, and I do not care to curtail my freedom to talk, read, or associate, sir.

Mr. ARENS. Do you honestly apprehend, Mr. Marx, if you told the committee the truth respecting the clubs of which you were a member or with which you were affiliated when you went to the University of Pennsylvania, you would be supplying information which could be used against you in a criminal proceeding?

Mr. MARX. I do, sir, on the basis that I had such an experience previously in Germany.

Mr. SCHERER. Do you think you would have such an experience in this country as you had in Germany?

Mr. MARX. From my reading knowledge, I am afraid I do, sir.

The CHAIRMAN. This isn't Germany.

Mr. ARENS. During your experience at the University of Pennsylvania, did you know a person by the name of Minnie Jessie Schneiderman?

(The witness conferred with his counsel.)

Mr. MARX. To the best of my knowledge, no, sir.

Mr. ARENS. Are you, or have you ever been, registered as a foreign agent under the Foreign Agents Registration Act?

Mr. MARX. I have not been, sir.

Mr. ARENS. Have you, in the course of your residency in Philadelphia, ever solicited foreign political propaganda from any source?

Mr. MARX. I refuse to answer that question on the grounds already stated, sir.

Mr. ARENS. Have you ever received foreign political propaganda since being a resident of Philadelphia?

(The witness conferred with his counsel.)

Mr. MARX. Well, sir, as I told you before, I am a student of comparative European literature, and I have done some extensive work in that field which necessitates my reading material from all countries.

The CHAIRMAN. Then the answer is "Yes."

Mr. MARX. Would you repeat the question, please?

Mr. ARENS. The question was, have you received during your residency in Philadelphia foreign political propaganda?

Mr. MARX. I object to that "political propaganda" and therefore refuse to answer on the grounds already stated.

Mr. ARENS. Have you received World Youth?

Mr. MARX. The same answer on the grounds formerly stated.

Mr. ARENS. Have you received Information Service in French?

Mr. MARX. I refuse to answer that question on the grounds already stated.

Mr. SCHERER. Do I understand when he says he refuses to answer on the grounds previously stated that he is invoking the fifth amendment against self-incrimination? Is that correct, Witness?

Mr. MARX. I refuse to answer for the two reasons, as I said before: I do not choose to be a witness against myself and I do not care to curtail my freedom to talk, read, or associate.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer my question. When it is not clear, the courts hold we must inquire as to whether the witness is invoking the amendment against self-incrimination. Certainly by his answer it is not clear to me whether or not he is invoking the fifth amendment.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. MARX. I refuse to answer for two reasons: I do not choose to be a witness against myself and I do not care to curtail my freedom to talk, read, or associate. That is my answer, sir.

The CHAIRMAN. You came to the United States under a refugee program which extended protection to people who were persecuted, is that not the fact?

Mr. MARX. I don't believe it was a program, sir, that I came to the United States under.

The CHAIRMAN. You came to the United States for that purpose. You became a citizen of the United States by virtue of your service in the United States Navy, is that not correct?

Mr. MARX. Yes, sir.

The CHAIRMAN. You were educated under the GI bill at the expense, in part, of the United States?

Mr. MARX. As a result of my service; yes, sir.

The CHAIRMAN. Don't you think that because of all these fine things—I almost said blessings and maybe they are—that have come to you and many thousands of other people similarly situated, the least you could do would be to try to cooperate with this committee in preserving the blessings of our Republic?

Mr. MARX. I am trying to, sir.

The CHAIRMAN. Yes, by reading from something about your refusal to answer. Well, try a little harder. Did you receive any of this foreign propaganda?

Mr. MARX. I must refuse to answer that question, sir, on the same grounds.

The CHAIRMAN. You are not under any compulsion at all. You say "must refuse."

Mr. MARX. Yes, sir; I am under a compulsion of my conscience because I know what has happened to me previously on that, on occasions of that sort, and it cannot be wiped out, sir.

Mr. VELDE. May I inquire, Mr. Chairman?

Did you come to this country directly from Holland?

Mr. MARX. Yes, sir; I did.

Mr. VELDE. Was that in 1939?

Mr. MARX. Yes, sir.

Mr. VELDE. That was under what circumstances? You had no money of your own, I take it?

Mr. MARX. No, sir; I didn't.

Mr. VELDE. Who paid your passage?

Mr. MARX. The money was advanced to me.

Mr. VELDE. Who paid it?

Mr. MARX. Someone who is now deceased, sir, a relative of mine.

Mr. VELDE. Here in the United States?

Mr. MARX. Yes, sir.

Mr. SCHERER. Who was that relative?

(The witness conferred with his counsel.)

Mr. MARX. A gentleman by the name of Arthur Hahn.

Mr. ARENS. Do you receive the Democratic German Report?

Mr. MARX. Again I refuse to answer that question on the grounds formerly stated.

The CHAIRMAN. What crime do you think you would be committing if you admitted you received this periodical? It is no crime to receive that paper.

Mr. MARX. I don't know, sir.

Mr. SCHERER. Just a moment, Mr. Arens. He said he doesn't know. How can he properly invoke the fifth amendment?

The CHAIRMAN. That is his hard luck. Proceed, Mr. Arens.

Mr. ARENS. Since you have been a resident of Philadelphia have you been receiving from abroad and disseminating in this area Communist political propaganda?

Mr. MARX. I again refuse to answer that on the grounds formerly stated.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that since you have been a resident of Philadelphia, without being registered as a foreign agent pursuant to the Foreign Agents Registration Act, you have been receiving foreign Communist political propaganda and been a nerve center for the dissemination of that political propaganda in this community. If that isn't so, you deny it under oath.

(The witness conferred with his counsel.)

Mr. MARX. Sir, I have received literature, as I stated before, and I have passed it around to friends but—

Mr. ARENS. Have you received World Youth?

Mr. MARX. On any specific type of literature, I refuse to answer.

Mr. ARENS. Have you received Communist foreign political propaganda?

Mr. MARX. I refuse to answer that on the grounds formerly stated.

Mr. ARENS. To how many of these friends have you circulated this literature which you have received from abroad of the non-Communist political variety?

Mr. MARX. I will not mention any of my associates to this committee, sir.

Mr. ARENS. To how many of them have you actually given or sent this literature which you have described as receiving from abroad?

Mr. MARX. The same answer to that, sir.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question. To how many people have you given or sent this literature?

(The witness conferred with his counsel.)

Mr. MARX. I refuse to answer that question on the grounds formerly stated, sir.

Mr. ARENS. When you entered the Navy to serve your country, did you take an oath of allegiance to support and defend and protect the Constitution of the United States against all enemies, foreign and domestic?

Mr. MARX. I most certainly did, sir.

Mr. ARENS. At the time you took that oath of allegiance were you a member of the Communist conspiracy designed to destroy the Constitution, designed to destroy this Government?

Mr. MARX. No.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. MARX. I refuse to answer for the two reasons I mentioned before: I do not choose to be a witness against myself and I do not care to curtail my freedom to talk, read, or associate, sir.

The CHAIRMAN. Just a moment, so we get the record straight. You said, "I don't choose to be a witness against myself." What do you mean by that?

(The witness conferred with his counsel.)

Mr. MARX. I refuse to answer because I do not want to be a witness against myself.

The CHAIRMAN. In other words, you refuse to answer. It isn't a case of not choosing to answer.

Mr. MARX. All right, sir.

Mr. ARENS. Are you at this moment a member of the Communist Party?

Mr. MARX. I refuse to answer that on the grounds formerly stated, sir.

Mr. ARENS. Are you under Communist discipline?

Mr. MARX. The same answer, sir.

Mr. ARENS. I lay before you now a photograph of a number of people. There is a sign carried by one particular person, entitled, "Prevent American Fascism, Dismiss Indictments Against Communist Leaders." Under that, "Civil Rights Congress." I ask you if you can identify that individual in that photograph who is carrying the sign?

(The witness conferred with his counsel.)

Mr. MARX. I see a picture in front of myself. That is all, sir.

Mr. ARENS. Can't you identify that individual whose photograph appears there carrying that sign bearing the language of which I just read to you?

Mr. MARX. I just see a picture there, sir, that is all.

Mr. ARENS. You have no trouble with your eyes, have you.

Mr. MARX. I do not.

Mr. ARENS. Do you recognize that individual?

(The witness conferred with his counsel.)

Mr. MARX. There is nothing wrong with my eyes, but I still just see a picture there, sir.

Mr. ARENS. Is that a picture of you?

Mr. MARX. It appears to be, but I don't know.

Mr. ARENS. If this appears to be a picture of you, can you tell the committee where and when that picture was taken?

Mr. MARX. I have no recollection of it at all, sir.

Mr. ARENS. That picture is a picture of the Civil Rights Congress picket line in front of the Federal Building in Philadelphia, back in September 1948; is it not?

Mr. MARX. You stated so, sir.

Mr. ARENS. Do you have any recollection of engaging in a picket line before the Federal Building in September 1948?

Mr. MARX. I have done many things in my career——

Mr. ARENS. Just answer that question.

Mr. MARX (continuing). Fighting against nazism and fascism, sir; yes; many things.

Mr. ARENS. Did you participate in that picket line before the Federal Building in September 1948?

Mr. MARX. I have no recollection of that, sir.

Mr. SCHERER. You say you have no recollection?

Mr. MARX. Yes, sir.

Mr. ARENS. Now I put it to you as a fact and ask you to affirm or deny the fact, that when you attended the University of Pennsylvania you were in the youth and student section of the Communist conspiracy.

Mr. MARX. I refuse to answer that question on the grounds formerly stated, sir.

Mr. ARENS. Have you ever been a member of the American Youth for Democracy?

Mr. MARX. The same answer, sir.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were a member of the American Youth for Democracy, a Communist-controlled youth organization in the Philadelphia area.

Mr. MARX. There is no question, sir.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were active in the American Youth for Democracy and the Labor Youth League, both Communist-controlled organizations.

Mr. MARX. I refuse to answer that on the grounds formerly stated, sir.

Mr. ARENS. In 1950 did you participate in a festival and rally in commemoration of Lenin and honoring Joseph Stalin?

Mr. MARX. I refuse to answer that on the grounds formerly stated, sir.

Mr. ARENS. In view of what has happened in the last year or so, the last several months of dehonoring Stalin, has your attitude changed toward Joseph Stalin?

Mr. MARX. I think, Mr. Chairman, that my relationship or so-called alleged relationship with Mr. Stalin is not in the interest of this committee. What I feel, what I believe——

The CHAIRMAN. We know what it is. Go ahead with the next question.

Mr. MARX. I think this is a very unfair question.

(The witness conferred with his counsel.)

Mr. ARENS. Were you active on behalf of the Rosenbergs when the Rosenberg case was up?

Mr. MARX. I have no recollection of that, sir.

Mr. ARENS. You said a moment ago, if I didn't misinterpret your remarks, that you have been active against fascism most of your adult life.

Mr. MARX. Yes, sir.

Mr. ARENS. Fascism is a horrible thing; isn't it?

Mr. MARX. I think that my experience bears that out, sir.

Mr. ARENS. Tell the committee what you have done against communism, which is equally horrible, during your adult life.

Mr. MARX. Again, sir, I think that my political views and my political beliefs are not to be discussed here by this committee.

Mr. ARENS. You had no hesitancy at all a moment ago in denouncing fascism and telling the committee that you have been active in protesting and fighting fascism. Can you tell us why it is that you have no hesitancy talking about fascism, but you are just a little reluctant to talk about communism or anything you might have done in that arena?

(The witness conferred with his counsel.)

Mr. SCHERER. The slave labor camps in Russia perhaps were not quite so bad as the slave labor camps in Germany.

Mr. MARX. Sir, I have been against all kinds of enslavements of people all my life, regardless of where they occur, and against any kind of curtailment of civil liberties wherever they occur.

Mr. SCHERER. Have you spoken out against the slave labor camps operated by the Communists in Russia?

(The witness conferred with his counsel.)

Mr. MARX. Would you repeat that question again, sir?

Mr. SCHERER. Have you spoken out at any place against the slave labor camps that were operated in Russia or are operated in Russia?

Mr. MARX. I have no personal knowledge of that, sir. I have personal knowledge of what has been mentioned here before, sir.

Mr. SCHERER. Even in view of the admissions now by the present Russian regime that there were such things?

Mr. MARX. I must just repeat my answer.

Mr. SCHERER. Yet you having been a member of the Communist conspiracy, say you have no knowledge of it.

Mr. MARX. That is your allegation, sir.

Mr. SCHERER. Is my allegation incorrect, that you are a member of the Communist conspiracy?

Mr. MARX. I refuse to answer that, sir.

Mr. ARENS. What year were you naturalized as an American citizen?

Mr. MARX. 1944, sir.

Mr. ARENS. In 1944 when you were naturalized as a citizen you took an oath of allegiance to this country, did you not?

(The witness conferred with his counsel.)

Mr. MARX. I assume so, sir.

Mr. SCHERER. You assume so. Did you not in fact? Do you not remember that you took an oath of allegiance?

Mr. MARX. Oath of allegiance; yes, sir. I am sorry, sir.

Mr. ARENS. Were you a member of the Communist Party at the time you took that oath of allegiance?

Mr. MARX. No, sir.

Mr. ARENS. Were you a member of the Communist Party, then, in 1945?

(The witness conferred with his counsel.)

Mr. MARX. I refuse to answer that on the grounds formerly stated, sir.

Mr. ARENS. Were you a member of the Communist Party immediately after you took your oath of allegiance to the United States and procured your citizenship.

Mr. MARX. I was in the United States Navy, sir. I served for 3 years.

Mr. VELDE. That doesn't answer the question.

Mr. MARX. No, sir.

Mr. ARENS. Well, were you a member of the Communist Party in January 1945?

(The witness conferred with his counsel.)

Mr. MARX. No.

Mr. ARENS. Were you a member of the Communist Party in June of 1945?

Mr. MARX. No.

Mr. ARENS. Were you a member of the Communist Party in December of 1945?

Mr. MARX. No.

Mr. ARENS. Were you a member of the Communist Party in January 1946?

Mr. MARX. No.

Mr. ARENS. Were you a member of the Communist Party in December of 1946?

Mr. MARX. I refuse to answer that question on the grounds formerly stated.

Mr. ARENS. Were you a member of the Communist Party in June of 1946?

Mr. MARX. The same answer, sir.

Mr. ARENS. Were you a member of the Communist Party in February of 1946?

Mr. MARX. The same answer, sir.

Mr. ARENS. Were you a member of the Communist Party on January 15, 1946?

Mr. MARX. No, sir.

Mr. ARENS. Were you a member of the Communist Party on January 4, 1946?

(The witness conferred with his counsel.)

Mr. MARX. I was not a member of the Communist Party as long as I was in the United States Navy, sir.

Mr. ARENS. When did you actually get out of the United States Navy?

(The witness conferred with his counsel.)

Mr. MARX. January 4, 1946, sir.

Mr. ARENS. Were you a member of the Communist Party at any time prior to the time that you were released from the United States Navy; any time in your life prior to January 4, 1946?

Mr. MARX. No, sir.

Mr. ARENS. Is there any period since January 4, 1946, in which you have not been under Communist discipline up to the present moment?

Mr. MARX. I refuse to answer that question on the grounds formerly stated, sir.

Mr. ARENS. Have you ever resigned from the Communist Party?

Mr. MARX. The same answer, sir.

Mr. ARENS. Since you received your subpoena have you discussed your proposed appearance before this committee today with anyone, who to your certain knowledge, was a member of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. MARX. I refuse to answer that on the grounds formerly stated, sir.

Mr. VELDE. Mr. Counsel, I would like you to follow up this negative testimony of the witness as to just exactly when he did join the Communist Party.

Mr. ARENS. I think the record reflects Mr. Velde, that from January 4, 1946, to the present day the witness, if he is in good faith invoking the fifth amendment, apprehends that if he gave us a truthful answer to the facts, he would be supplying information which could be used against him in a criminal proceeding.

Mr. VELDE. What I mean is this, Mr. Counsel. I think he took the fifth amendment when you asked him whether he was a member on February 15 or February 1. He said he was not a Communist before January 4.

Let me ask you Witness, were you a member of the Communist Party on January 5, 1946?

(The witness conferred with his counsel.)

Mr. WOOLSTON. We are trying to get the date, Your Honor.

Mr. MARX. I refuse to answer any questions after I left the Navy, and that was on January 4.

Mr. ARENS. Is your present occupation as a waiter, your sole full-time occupation?

Mr. MARX. Yes, sir.

Mr. ARENS. Are you presently under directives by any person respecting any activity other than your activity as a waiter?

Mr. MARX. I refuse to answer that question, sir, on the grounds formerly stated.

Mr. ARENS. Do you know Steve Nelson?

Mr. MARX. I refuse to answer that question on the grounds formerly stated.

Mr. ARENS. Was your trip to Europe at the behest or direction of anyone known by you to be a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. MARX. Not to the best of my knowledge, sir; no.

Mr. SCHERER. Where did you get the money to go to Europe?

Mr. MARX. I saved it, sir.

Mr. ARENS. While you were in Europe were you in contact with any person known by you to be a member of the Communist conspiracy?

Mr. MARX. Again I answer that question and refuse to answer on the grounds formerly stated.

Mr. ARENS. I put it to you as a fact, sir, and ask you under oath now to affirm or deny the fact, that you are presently an agent of the Communist conspiracy engaged in the dissemination of foreign political propaganda in this area.

(The witness conferred with his counsel.)

Mr. WOOLSTON. Would you repeat the question?

Mr. ARENS. Would you read the question, please, Mr. Reporter.

(The question was read by the reporter.)

Mr. MARX. I refuse to answer that question, sir, on the grounds formerly stated.

(The witness conferred with his counsel.)

Mr. ARENS. Just one parting question: You recognize of course, do you not, Mr. Witness, that you are presently under oath and that if you lie to this committee you might be subject to pains and penalties of perjury?

Mr. MARX. I do, sir.

Mr. ARENS. Do you expect when you are relieved of the pains and penalties of this oath you are now under to step outside in the hall or step over to the press table and tell these representatives of the American people "Of course I am not a member of the Communist conspiracy but I wasn't going to tell that witch-hunting committee that I was not a member of the Communist conspiracy"?

Mr. MARX. Would you repeat the question? You made a speech, sir.

Mr. ARENS. After you have been relieved of the pains and penalties of your oath, the obligation to tell the truth, do you intend to announce to the world that of course you are not a member of the Communist conspiracy?

Mr. MARX. Sir, I have always told the truth and I shall continue to do so.

Mr. ARENS. Then tell this committee the truth as to whether or not you are presently a member of the Communist conspiracy.

Mr. MARX. I refuse to answer that question, sir, on the grounds formerly stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that that will conclude the staff interrogation of this witness.

The CHAIRMAN. Any questions, Mr. Velde?

Mr. VELDE. No questions.

The CHAIRMAN. Mr. Scherer?

Mr. SCHERER. No, except that I am going to ask that the testimony of this witness be referred to the Department of Justice with the suggestion of this committee that denaturalization proceedings be commenced against this man. He has no business being a citizen of the United States.

The CHAIRMAN. The committee will stand in recess, to meet at 2 o'clock.

(Whereupon, at 12:05 p. m., July 17, 1956, the committee recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION, TUESDAY, JULY 17, 1956

(Members of the committee present: Representatives Walter, Velde, and Scherer.)

The CHAIRMAN. The committee will be in order.

Call your witness, Mr. Arens.

Mr. ARENS. Mr. Walter Lowenfels, please come forward and remain standing while the chairman administers an oath to you.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LOWENFELS. I do.

TESTIMONY OF WALTER LOWENFELS, ACCOMPANIED BY
COUNSEL, JOSEPH S. LORD, 3d

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. LOWENFELS. My name is Walter Lowenfels. I am a writer and I live in Philadelphia, 4510 Regent Street.

Mr. ARENS. Are you appearing today, Mr. Lowenfels, in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. LOWENFELS. I am.

Mr. ARENS. Are you represented by counsel?

Mr. LOWENFELS. I am.

Mr. ARENS. Will counsel kindly identify himself.

Mr. LORD. Joseph S. Lord 3d.

Mr. ARENS. Mr. Lowenfels, under date of June 1955, you were convicted under the Smith Act, were you not?

Mr. LORD. I advise you to decline to answer that on the ground, first of all, that that is a judicial proceeding presently pending and undecided in the United States Court of Appeals for the Third Circuit.

Mr. LOWENFELS. I decline to answer on the grounds stated.

Mr. ARENS. Since June of 1955—and I propose to interrogate you exclusively, Mr. Lowenfels, with reference to a few items since June of 1955—have you received Communist political propaganda from abroad?

Mr. LORD. I advise you not to answer that, Mr. Lowenfels, on the ground that the Smith Act case is presently pending and undecided before the United States Circuit Court of Appeals involving similar material. Secondly, I advise you to refuse to answer on the ground that you refuse to be a witness against yourself within the fifth amendment, and thirdly, because the question relates to the protection of the first amendment.

Mr. LOWENFELS. I decline to answer on those grounds.

The CHAIRMAN. On what grounds?

Mr. LOWENFELS. On the grounds stated by my counsel.

The CHAIRMAN. I direct you to answer the question, Mr. Lowenfels.

Mr. LORD. I advise you not to, Mr. Lowenfels.

Mr. LOWENFELS. I decline to answer on the grounds which I can restate if you want.

Mr. LORD. Restate them.

Mr. LOWENFELS. Because the questions relate directly to matters which are the subject of litigation pending and undetermined in the United States circuit court of appeals—

The CHAIRMAN. As Mr. Arens told you, the questions he is asking you do not relate to anything which occurred before you were convicted.

Mr. LOWENFELS. I have three grounds. Let me finish the sentence—for the third circuit between me and the Government of the United States; second, because I refuse to be a witness against myself within the limitations of the fifth amendment; and thirdly, because the question relates to matters within the protection of the first amendment, guaranty of freedom of beliefs, speech, and association.

The CHAIRMAN. All right.

Proceed, Mr. Arens.

Mr. ARENS. Do you know of a publication known as Agerpres?

Mr. LOWENFELS. I decline to answer on the same three grounds.

Mr. ARENS. Do you know of a publication known as the Democratic German Report?

Mr. LOWENFELS. I decline to answer on the same previously stated grounds.

Mr. ARENS. Do you know a publication known as New Rumania?

Mr. LOWENFELS. I decline to answer the question for the same reasons.

Mr. ARENS. Have you since your conviction in June of 1955 been engaged in the dissemination of Communist propaganda in the Philadelphia, Pa., area?

Mr. LOWENFELS. I decline to answer on the same grounds.

Mr. ARENS. Do you presently have a post-office box number?

Mr. LORD. Decline to answer.

Mr. LOWENFELS. I decline to answer on the same grounds.

Mr. ARENS. I lay before you, Mr. Lowenfels, photostatic copies of two applications for a post-office box for the Pennsylvania Worker, Daily Worker, with the signature of Walter Lowenfels. I ask you if you would identify those documents as photostats of documents signed by yourself (post-office box Nos. 5544 and 4517, for 1951 and 1954, respectfully).

Mr. LOWENFELS. I decline to answer on the same grounds.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact that you are presently the conduit via the Daily Worker and the Pennsylvania Worker for Communist foreign political propaganda which you disseminate in the Pennsylvania area.

Mr. LOWENFELS. I decline to answer for the same three reasons.

Mr. ARENS. Are you presently under Communist discipline?

Mr. LOWENFELS. I decline to answer for the same three reasons?

Mr. ARENS. Are you presently a member of the Communist Party?

Mr. LOWENFELS. I decline to answer for the same three reasons.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this witness now be excused, and that Mr. Lewis C. Arnold, of the post office, be called.

The CHAIRMAN. The witness is excused.

Mr. LOWENFELS. Thank you.

Mr. LORD. I hope I didn't hold you up too much.

The CHAIRMAN. That is all right.

Mr. ARENS. Mr. Lewis C. Arnold, will you please come forward.

The CHAIRMAN. Mr. Arnold, will you raise your right hand please? Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ARNOLD. I do.

TESTIMONY OF LEWIS C. ARNOLD

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ARNOLD. My name is Lewis C. Arnold. I live at 4610 North Ella Street, Philadelphia, postal clerk in the personnel section.

Mr. ARENS. How long have you been so engaged?

Mr. ARNOLD. Thirty-nine years.

Mr. ARENS. Mr. Arnold, do you have in your custody or possession the original applications for post-office boxes made by one Walter Lowenfels?

Mr. ARNOLD. I have.

Mr. ARENS. Would you please produce those before the committee and describe them in this record before we actually mark them and incorporate them by reference in the record?

Mr. ARNOLD. On October 19, 1951, Mr. Lowenfels signed an application for a box at the Kingsessing station, zone 43, box No. 5544, and signed his name as Walter Lowenfels, Daily Worker, Pennsylvania Worker. The character of business, newspapers. Business address, 35 East 12th Street, New York City. Residence, 4510 Regent Street, Philadelphia. This application calls for witnesses, that is, references. Would you want those references?

Mr. ARENS. No, thank you; not as of the moment.

Was a post-office box issued pursuant to that application?

Mr. ARNOLD. Yes.

There is another one issued on the date of July 22, 1954, at West Park station, also under the heading of the Pennsylvania Worker, signed by Walter Lowenfels, newspapers, giving the address of 4510 Regent Street, Philadelphia.

Mr. ARENS. Has the post-office box which was issued pursuant to the application of October 19, 1951, of Walter Lowenfels been maintained in his name?

Mr. ARNOLD. It has so far as I know, because these applications are retained in the active file until there is a replacement.

Mr. ARENS. Has there been any replacement since July of 1954?

Mr. ARNOLD. No.

Mr. SCHERER. Were these applications made prior or subsequent to Lowenfels' conviction?

Mr. ARENS. They were made prior to his conviction, Congressman, but they have been maintained since to the present date.

Thank you very much, Mr. Arnold.

That concludes the staff interrogation of this witness.

Mr. Chairman, we had two other witnesses who were to be heard today. One was Mr. Gilford. Due to a slight personal mishap his appearance has been set over until tomorrow. Another witness who was sought by the committee apparently has fled the jurisdiction, and we are unable to get him under subpoena. We have no other witnesses for the balance of the afternoon.

The CHAIRMAN. The committee is in recess until 10 o'clock tomorrow morning.

(Whereupon, Tuesday, July 17, the committee was recessed, to reconvene at 10 a. m. Wednesday, July 18, 1956.)

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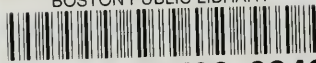
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